

## **§ 117.21**

or for expenditures specifically authorized by the Commissioner. When necessary to prevent hardship or suffering, purchase orders may be issued by the superintendent against the future income of an Indian in an amount not to exceed 80 percent of the anticipated quarterly payment. The payment of purchase orders issued against future income shall be contingent upon the availability of funds.

### **§ 117.21 Fees and expenses of attorneys.**

When payment of an attorney fee for services to an Indian is to be made from his surplus funds, the employment of the attorney by the Indian must be approved in advance. All fees will be determined on a quantum merit basis and paid upon completion of the services. The superintendent may approve the employment of an attorney, determine the fee, and disburse the surplus funds of the Indian in payment thereof when the fee does not exceed \$500. Upon application by the Indian and upon the presentation of properly authenticated vouchers, the superintendent may disburse the surplus funds of the Indian in an amount not to exceed \$200 in payment of necessary expenses incurred by the attorney.

### **§ 117.22 Disbursements to legal guardians.**

Any disbursement authorized to be made to an Indian by the regulations of this part may, when the Indian is under guardianship, be made by the superintendent to the guardian. All expenditures by a guardian of the funds of his ward must be approved in writing by the court and the superintendent.

### **§ 117.23 Transactions between guardian and ward.**

Business dealings between the guardian and his ward involving the sale or purchase of any property, real or personal, by the guardian to or from the ward, or to or from any store, company or organization in which the guardian has a direct interest or concern or contrary to the policy of the Department and shall not be approved by the superintendent without specific authority from the Commissioner.

## **25 CFR Ch. I (4-1-07 Edition)**

### **§ 117.24 Compensation for guardians and their attorneys.**

(a) The superintendent may approve compensation for services rendered by the guardian of an Indian on an annual basis, the amount of the compensation to be determined by application of the following schedule to the moneys collected by the guardian:

First \$1,000 or portion thereof, not to exceed 10 percent.  
Second \$1,000 or portion thereof, not to exceed 9 percent.  
Third \$1,000 or portion thereof, not to exceed 8 percent.  
Fourth \$1,000 or portion thereof, not to exceed 7 percent.  
Fifth \$1,000 or portion thereof, not to exceed 6 percent.  
Sixth \$1,000 or portion thereof, not to exceed 5 percent.  
Seventh \$1,000 or portion thereof, not to exceed 4 percent.  
Eighth \$1,000 or portion thereof, not to exceed 3 percent.  
Ninth \$1,000 or portion thereof, not to exceed 2 percent.  
All above \$9,000 not to exceed 1 percent.

(b) Balance carried forward from previous reports and moneys received by a guardian or his attorney as compensation shall be excluded in determining the compensation of the guardian or his attorney.

(c) The attorney for a guardian shall be allowed compensation in an amount equal to one-half of the amount allowed the guardian under the foregoing schedule except when such attorney is himself the guardian and acting as his own attorney, in which event he shall be allowed a fee of not to exceed one-fourth of the amount allowed the guardian under the foregoing schedule in addition to the fee as guardian.

(d) The superintendent may in his discretion permit the guardian to collect rentals from restricted city or town properties belonging to his ward.

### **§ 117.25 Charges for services to Indians.**

The superintendent shall make the following charges for services to Indians: Five per cent of all interest and non-liquidating dividends received from all types of securities, including stocks, bonds, and mortgages held in trust for individual Indians and interest on group investments. Such fees